

Although Applicants believe that the original restriction of the claims and election of a species is improper, in order to be fully responsive to the Office Action, Applicants provisionally elect for examination the claims of Group I (Claims 1-29).

The requirement of election of species in paper no. 9 was set forth as follows:

"8. This application contains claims directed to the following patentably distinct species of the claim invention:

- a. In claim 1, please select one amino acid from of each of X<sub>1</sub> - X<sub>7</sub>.
- b. In claim 2, please select one sequence from SEQ ID No: 3, 29, 30, 31, and 32.
- c. In claims 4, 24-30, please select one from the following group: 24-39 SEQ ID No: 1, 55-61 SEQ ID No: 1, 94-102 SEQ ID No: 1, 31-35 SEQ ID No: 3, 50-66 SEQ ID No: 3, and 99-110 SEQ ID No:3.
- d. In claims 46-52, please select one from the following group: SEQ ID No: 2, SEQ ID No: 4, SEQ ID No: 6, 70-117 SEQ ID No: 2, 91-105 SEQ ID No: 4, 148-198 SEQ ID No: 4, and 295-330 SEQ ID No: 4.

Applicant is required under 35 U.S.C. 121 to elect *a single disclosed species* for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." (Paper no. 9, page 4, italics added.)

With respect to selecting a particular species within claims of Group I, based on the selections outlined by the Examiner in paragraph 8 of paper no. 9, Applicants provisionally elect the following species:

In Claim 1, for the formula of SEQ ID NO: 28, Applicants elect the species wherein

X<sub>1</sub> is Ala,  
X<sub>2</sub> is Lys,  
X<sub>3</sub> is Gly,  
X<sub>4</sub> is Asp,  
X<sub>5</sub> is Ile,  
X<sub>6</sub> is Asp, and  
X<sub>7</sub> is Tyr.

That is, Applicants elect the species characterized by the amino acid sequence: **Ala-Lys-His-Thr-Gly-Gly-Gly-Val-Trp-Asp-Pro-Ile-Asp-Tyr** (i.e., amino acids 97-110 of SEQ ID NO:3). Claims 1-29 are readable on the elected species.

Applicants have elected the foregoing single species, and therefore it is believed that the foregoing election (and the election of their prior response, at page 4, last paragraph) is fully responsive.

However, in order to avoid unintentional abandonment, additional elections of species from the groups defined in subparagraphs 8(b) through (d) of paper no. 9 (quoted above) are made below, although this does not appear to be in accordance with 35 U.S.C. §121 and includes species that are OUTSIDE of the restriction group (i.e., Group I) elected for examination.

With respect to Claim 2 (see subparagraph 8(b), paper no. 9), Applicants elect the sequence, SEQ ID NO:3 (or if necessary for clarity, the sequence of amino acids 97-110 of SEQ ID NO:3, since SEQ ID NO:3 is not recited in Claim 2).

With respect to Claims 4 and 24-30 (see subparagraph 8(c), paper no. 9), Applicants elect amino acids 99-110 of SEQ ID NO:3.

With respect to Claims 46-52 (see subparagraph 8(d), paper no. 9), Applicants elect the sequence of nucleotides 295-330 of SEQ ID NO:4, although it is noted that Claims 46-52 are not part of Group I. The elected nucleotide sequence encodes amino acids 99-110 of SEQ ID NO:3.

Consideration of the foregoing and examination of the application on the merits are respectfully requested.

Respectfully submitted,



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